

D/L. 40
February 6, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 35 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.01.2023 in connection with Bhaktinagar Police Station Case No. 07 of 2013 dated 01.01.2013 under Sections 326/34 of the Indian Penal Code and adding Section 304 of the Indian Penal Code.

And

In the matter of: Gagandeep Singh

.... Petitioner

Mr. Sandeep Dutta

... for the petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das

... for the State

Learned counsel for the petitioner submits that the petitioner is in custody for about six years and ten months. It is contended that the last witness in the trial was examined as far back as on June 27, 2019. Thereafter various dates were fixed by the trial court for hearing of the matter, but none of the prosecution witnesses were examined further. It is thus submitted that the petitioner ought to be released on bail keeping in view of the long period of custody and uncertainty regarding conclusion of trial.

Learned counsel for the State opposes the prayer of bail and submits that, in the interregnum, the carriage of the trial could not proceed with due to the intervening pandemic. That apart, the petitioner has a history of fleeing, in the sense that he is a resident of

Kashmir and fled there after commission of the crime. As such, it is submitted that grant of bail might facilitate the petitioner leaving the jurisdiction of the court and to flee from justice.

Heard and considered the submissions of the parties.

We find from the submissions and the materials on record that the petitioner has once fled to Kashmir after commission of the alleged offence. Moreover, the nature of the crime is grave and heinous.

Keeping in mind the apprehension of the State that the petitioner might flee from justice again, we are not inclined to grant bail to the petitioner.

Accordingly CRM (DB) 35 of 2023 is dismissed.

The trial court, it is expected, shall conclude the hearing as expeditiously as possible, preferably within one year from this date.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)